

AFFIDAVIT

- 1) **AFFIANT/AGENT.** I, Kevin Backes, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection (USBP/CBP), have been employed by the USBP/CBP for 22 years and am currently assigned to the Grand Forks Border Patrol Sector Prosecution Unit.

Your affiant has reason to believe that WALLE-Garcia, Felix (DOB: XX/XX/1974), illegally reentered the United States after being removed in violation of 8 U.S.C. § 1326(a).

2) **INITIAL ENCOUNTER.**

On February 7, 2025, at approximately 12:00 PM, Officer Reaves of the Watford City Police Department contacted Grand Forks Sector Dispatch (KAK 720) requesting assistance. The officer had encountered a single subject during a traffic stop for speeding (ND license plate 178EKE), in Watford City, North Dakota. The driver, identified as WALLE-Garcia, Felix provided a Mexican Identification Card and was unable to communicate in the English language.

Border Patrol Agent (BPA) Engelstad responded to the call. BPA Engelstad conducted checks on the subject's biographical information. Record checks indicated that WALLE has been previously removed from the United States. No records could be found to show WALLE had any current immigration documents allowing him to reside, pass through, or remain in the United States legally.

BPA Engelstad requested to speak with WALLE, identified himself as a United States Border Patrol Agent and conducted an immigration inspection in the Spanish language. WALLE admitted to being a citizen of Mexico and that he entered the United States illegally after being previously removed. WALLE was not in possession of any current immigration documents allowing him to remain in the United States. At approximately 12:35 PM, BPA Engelstad requested Officer Reaves detain the subject at the McKenzie County Corrections Center in Watford City, North Dakota, until Border Patrol could arrive to take custody of WALLE.

On February 7, 2025, at approximately 11:00 PM, Supervisory Border Patrol Agent (SBPA) Higgs arrived at the McKenzie County Corrections Center, placed the subject into Border Patrol custody and transported him to the Portal Border Patrol Station for processing.

- 3) **POST ARREST INVESTIGATION.** Upon arriving at the Portal Border Patrol Station, WALLE was enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned with an immigration history showing that the subject had been removed two (2) times and had no less than eight (8) prior Voluntary Returns.

WALLE is a citizen and national of Mexico.

4) IMMIGRATION HISTORY:

Removals:

Arrest Date: 12/11/2016
Arresting Agency: US Border Patrol – Rio Grande City, TX
Charge: INA 212(a)(9)(A)(ii) - Alien Previously Removed
Disposition: Subject processed as an Expedited Removal. Removed to Mexico through the Brownsville, TX Gateway Bridge on 12/12/2016.

Arrest Date: 12/29/2016
Arresting Agency: US Border Patrol – Rio Grande City, TX USBP
Charge: 212a9Aii - Alien Previously Removed
Disposition: Reinstate Prior Order of Removal. Removed to Mexico through the Hidalgo, TX Port of Entry on 12/31/2016.

Voluntary Returns:

Arrest Date: 3/15/2012
Arresting Agency: US Border Patrol – Hebbronville, TX USBP
Disposition: Voluntary Return

Arrest Date: 5/31/2007
Arresting Agency: US Border Patrol – Laredo West, TX USBP
Disposition: Voluntary Return

Arrest Date: 3/13/2007
Arresting Agency: US Border Patrol – Laredo West, TX USBP
Disposition: Voluntary Return

Arrest Date: 3/12/2007
Arresting Agency: US Border Patrol – Laredo North, TX USBP
Disposition: Voluntary Return

Arrest Date: 3/3/2007
Arresting Agency: US Border Patrol – Laredo North, TX USBP
Disposition: Voluntary Return

Arrest Date: 12/13/2003
Arresting Agency: US Border Patrol – Rio Grande City, TX USBP
Disposition: Voluntary Return

Arrest Date: 1/27/2003
Arresting Agency: US Border Patrol – Hebbronville, TX USBP
Disposition: Voluntary Return

- 5) **MIRANDA RIGHTS/CONSULAR NOTIFICATION.** On February 8, 2025, BPA Lowry, witnessed by BPA Lidstrom, notified WALLE of his Miranda Rights per Service Form I-214. WALLE acknowledged his rights by signing the Service Form I-214 and agreed to answer questions without an attorney present. WALLE stated he last entered the United States in April of 2019, by crossing the Rio Grande River near Del Rio, Texas. WALLE also admitted he knew it was illegal to re-enter the United States after being removed.

BPA Lowry notified WALLE of his right to consular communication. WALLE declined to speak with a consular official at the time of processing.

No record could be found to indicate that WALLE has ever applied for or been granted permission to reenter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security.

In my experience, the above facts constitute a violation of 8 U.S.C. § 1326(a).

The foregoing is true and correct to the best of my knowledge and belief.



Kevin Backes
United States Border Patrol Agent

Sworn to me by reliable electronic means, this 10th day of February, 2025.



Alice R. Senechal
United States Magistrate Judge